

### **III. REMARKS**

Claims 1, 3, 4, 6-8, and 10-15 are pending in this application. Claims 1, 4, 8, and 11-15 are amended. Claims 12-15 are objected to due to informalities. Claims 1, 4, 8 and 11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Megiddo (US 6,745,231 B1) ("Megiddo") in view of Togawa (US 2002/0004821 A1) ("Togawa"). Claims 3, 6-7 and 10 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Megiddo in view of Togawa and further in view of Grobman et al. (USD 2004/0190722 A1) ("Grobman") and Muschenborn (US 2002/0191796 A1) ("Muschenborn"). Claims 12-15 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Megiddo in view of Togawa and further in view of Devanagondi et al. (US 7,317,730 B1) ("Devanagondi")

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

#### **A. INFORMALITIES OBJECTION OF CLAIMS 12-15**

In the Office Action, claims 12-15 are objected to due to a typographical error, whereas "module x" should correctly read "modulo x", appropriate correction has been made.

Accordingly, Applicant asserts that the bases for the Office's objection has been obviated and respectfully request withdrawal of the objection.

## B. REJECTION OF CLAIMS 1, 4, 8, and 11 UNDER 35 U.S.C. §103(a)

With regard to the 35 USC § 103(a) rejections of claims 1, 4, 8, and 11 as allegedly being unpatentable over Megiddo in view of Togawa, Applicant submits that Megiddo and Togawa taken alone or in combination do not teach or suggest each and every feature of the claimed invention. Accordingly, Applicant requests withdrawal of the rejection.

Initially, it should be noted that claim 1 (and similarly claims 4, 8 and 11) recites, *inter alia*: “said MTA associated with said sender including a message splitting means adapted to divide said original e-mail into a plurality of chunks according to a predetermined algorithm” and “a chunk assembly agent for receiving from said relay MTAs the plurality of chunks and for re-assembling the plurality of chunks using said predetermined algorithm...” Megiddo does not teach or suggest both splitting and re-assembling using the same “predetermined algorithm.” Togawa does not cure the deficiencies. For these reasons, Meggido and Togawa do not teach or suggest each and every feature of the claimed invention.

Claim 1 (and similarly claims 4, 8 and 11), as amended, recites, *inter alia*: wherein each of said plurality of chunks is forwarded to a different one of the plurality of relay MTAs on the predetermined list such that each of said plurality of chunks is transmitted over a different randomly selected pathway of the data transmission network, wherein message splitting means divides the plurality of chunks of the original e-mail at the character level, and wherein each of the plurality of chunks is preceded by a chunk number” and “a chunk assembly agent for receiving from said relay MTAs the

plurality of chunks and for re-assembling the plurality of chunks using said predetermined algorithm and the chunk number in order to re-build said e-mail before sending it to said receiver.” Support for these amendments may be found, for example, in the specification at page 6 lines 23-24 and page 6 line 30 – page 7 line 2 respectively. Megiddo does not teach or suggest transmitting the chunks on “different randomly selected pathways.” Togawa does not cure the deficiencies. Further, Megiddo does not teach or suggest re-assembling the chunks transmitted on “different randomly selected pathways” using “the chunk number” included with each chunk at the time of transmittal. For these reasons, Megiddo and Togawa do not teach or suggest each and every feature of the claimed invention.

With respect to the dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

Accordingly, Applicant respectfully requests withdrawal of the rejections.

#### C. REJECTION OF CLAIMS 3, 6, 7, 10, and 12-15 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection of claims 3, 6-7 and 10 over Megiddo in view of Togawa and further in view of Grobman and Muschenborn, for all of the above stated reasons and for their own unique features, Applicant submits that Megiddo, Togawa, Grobman, and Muschenborn taken alone or in combination do not

teach or suggest each and every feature of the claimed invention. Accordingly, Applicant requests withdrawal of the rejection.

With regard to the 35 U.S.C. §103(a) rejection of claims 12-15 over Megiddo in view of Togawa and further in view of Devanagondi, for all of the above stated reasons and for their own unique features, Applicant submits that Megiddo, Togawa, and Devanagondi taken alone or in combination do not teach or suggest each and every feature of the claimed invention. Accordingly, Applicant requests withdrawal of the rejection.

#### IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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